

Appl. No. : **09/683,600**
Filed : **January 24, 2002**

REMARKS

Reconsideration and allowance of the above referenced application are respectfully requested.

Claims 13-15 and 17-26 stand rejected under 35 USC 102B as allegedly being anticipated by Schwartz.

Applicant disagrees that Schwartz anticipates these claims. However, in order to obviate any interpretation in which Schwartz records, transcribes and returns a whole telephone conversation, these claims are amended herein to recite that the recognized document is based on only a single voice. Schwartz records both sides of a phone conversation, and is wholly different than this claimed subject matter.

Consider first the scope and contents of Schwartz. Schwartz described a system of recording a telephone conversation at a remote area. A number of different embodiments are described.

Column 2, lines 47 through 57 describes that a file with archived content can be stored and sent back to the originator. There is a central archiving facility that allows carrying out various operations on the information that is received. See for example column 10 lines 12 through 57. Column 7 lines 16 of Schwartz describes that the content of the telephone call can be stored as a file, and can be compressed. Column 7 lines 41-47 describes that the content of the communication can be transcribed and a paper form may be delivered by fax. Schwartz contemplates different purposes including, for example column 9 line 64 which describes recording and voice

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recognizing a system for review by law enforcement agencies, see column 10 lines 13-15.

The purpose of Schwartz is to archive the calls, and to allow the user access to those archived calls. The rejection refers to column 6 lines 12-22, column 7 lines 25-47 and column 3 lines 33-43. All of these refer to the archiving capability, that does definitely allow recording these calls set forth by the present claims. Specifically, claim 13 defines a first device that receives a voice to be recognized, sends information indicative of the voice over a network, and receives back a document that includes text that result represents a result of the recognition. In essence, this defines a voice recorder or voice memo-like system, in which a voice is recognized, and text representing that recognized voice is sent back.

Schwartz does not disclose this subject matter. Schwartz does describe sending back a file, but sends it back only as a recording. The recording is an entire call between first party and a second party. The only description of a text transcription is in column 7 lines 38-47. This describes sending back the transcribed information via paper form, e.g., by fax.

Compare this to claim 13 of the present application, which requires a first device that receives a voice to be recognized, sends that over a network, and receives text indicating only that voice to be recognized, and “does not include results of recognizing any other voice”. This emphasizes the difference that the present system operates like a super voice memo system, gets a voice, sends it somewhere else to be recognized, and gets back the text results. This is wholly different than anything disclosed by Schwartz, which is a call recording system.

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Schwartz does disclose transcribing a voice communication between two parties. It does not, however, describe that the first device receives a voice to be recognized, and receives back the result of the voice to be recognized which "does not include results of recognizing any other voice". It only discloses that a complete conversation between two people can be recorded and sent back. Moreover, the only disclosure of any transcription in Schwartz suggests sending the information back on paper by fax. This would not meet the first electronically operated device "receiving a document that includes text that reads represents a result of recognizing that voice to be recognized". Schwartz discloses sending back a document that includes text, on paper, not the device receiving the document. These are wholly different things.

The amendment of claim 13 has been amended to clarify that the voice to be recognized does not include results of recognizing any other voice, and this hence further distinguishes over claim 13. Schwartz only discloses recording telephone conversations, which are two-way telephone conversations with multiple parties. Schwartz might be able to return some kind of archived version of the telephone conversation between the two parties. Claim 13, however, is wholly different, since its intent is to voice recognize a voice to be recognized and return a document is indicative of that voice recognized text. In essence, this becomes a wholly new kind of voice recorder, in which the voice recognition is carried out remotely and returns text indicative of the input voice. Schwartz does not disclose anything about this, and hence claim 13 should be allowable thereover along with the dependent claims that depend therefrom.

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Claim 19 has been amended in an analogous way, and should be allowable for analogous reasons. In addition, claim 19 specified that the connection uses "a protocol which does not require a dedicated wire connection between said first electronic device and said computer.". It is noted that Schwartz does not disclose any such wireless connection, see for example figures 1 -4, all of which show wired connections only.

In addition, claim 19 defines that the recognition is based only on the spoken voice received from the first electronic device, thereby obviating any rejection over Schwartz, which only shows recording both sides of the conversation, not just one side or the other.

Claim 24 has been amended in an analogous way to that discussed above, specifically requiring that "said voice data includes only a single voice, and said voice recognition data is based only on said single voice". Claim 24 also defines the protocol not requiring a wired connection. Hence, claim 24 should be additionally allowable for these reasons.

Again, this produces an advantage that is in no way disclosed or contemplated by Schwartz. Schwartz intends to record both sides of the conversation. By doing so, Schwartz might get a transcript of the entire conversation, but you would not get a text based voice memo as becomes possible with the presently claimed system. The present system sends a single voice to be recognized and gets back a document indicative of that recognized single voice. Applicant contends that Schwartz never even sends back such a document, at all. The closest Schwartz comes to that is describing sending back a paper fax transcription. Admittedly Schwartz describes other things

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about voice recognition, but these other things do not appear to be a transcription. Whether or not Schwartz sends back a transcription or not, however, it is clear that Schwartz is intending to archive a call "between two or more parties"; see for example column 10, line 27. Schwartz's intent is to archive a call between two parties. This is wholly different than the presently claimed system which returns a text document based on voice recognition from one voice only.

All of the claims should be allowable for these reasons.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

For all of these reasons, it is respectfully suggested that all of the claims should be in condition for allowance. A formal notice of allowance is hence respectfully requested.

If the Examiner believes that communications such as a telephone interview or email would facilitate disposal of this case, the undersigned respectfully encourages the Examiner to contact the undersigned.

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Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail (using the email address scott@harrises.com). I understand that a copy of these communications will be made of record in the application file.

Please charge any fees due in connection with this response to Deposit Account No. 50-1387(small entity).

Respectfully submitted,

Date: __ 10/21/2008

___/Scott C Harris/_____
Scott C. Harris
Reg. No. 32,030

Customer No. 238Schwartz
Scott C. Harris, Esq.
P.O. Box 927649
San Diego, CA 92192
Telephone: (619) 823-7778
Facsimile: (858) 756-7717